

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

In re the application of: David Keith JAMES et al.

Serial No.: 10/595,378

Filed: 13 October 2004

Group Art Unit: 3762

Confirmation No.: 8440

Examiner: Lavert, Nicole

Title: FETAL SURVEILLANCE

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§1.6(a)(4) on June 25, 2010

/Patricia Romanelli/
Patricia Romanelli

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NOTICE OF APPEAL

Dear Sir:

Applicants hereby **appeal** to the Board of Patent Appeals and Interferences the Examiner's final rejection, mailed January 25, 2010, of Claims 1-39 in the above-identified Application.

Applicants in particular are appealing the Examiner's rejection of Claims 1 – 39 under 35 USC § 103 as obvious in view of the prior art. Concurrently with this Notice of Appeal, Applicants are amending the rejected claims to overcome the Examiner's 35 USC § 112 rejection.

Both the fee for the Notice of Appeal, set forth in 37 CFR 41.20(b)(1), and the fee for a two month extension of time, set forth in 37 CFR 1.17(a)(2) are being charged to Deposit Account No. 503982 of Momkus McCluskey, LLC. The owner of this Application is not a small entity. Applicant believes that no other fee is due, but the Commissioner is hereby authorized to charge any deficiency or credit any overpayment to the same deposit account.

Respectfully submitted,

/Jefferson Perkins/

Jefferson Perkins

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